

Notice of Allowability

Application No.

09/770,135

Examiner

Michael D. Meucci

Applicant(s)

BALDWIN ET AL.

Art Unit

2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to reply filed 18 January 2006.
2. ☒ The allowed claim(s) is/are 1-13.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


BEATRIZ PRIETO
PRIMARY EXAMINER

DETAILED ACTION

Allowable Subject Matter

1. Claims 1-13 are allowed.
2. The following is an examiner's statement of reasons for allowance:

The provision for a process for the transmission and reception of electronic mail between computer servers over reliable byte-stream transports, comprising the steps of: a transmitter connecting to a receiver; the receiver sending a greeting to the transmitter; the transmitter replying to the receiver with a greeting and an envelope, wherein the envelope comprises message information associated with a message scheduled to be transmitted from the transmitter to the receiver, wherein the message information includes at least one scheduled message recipient; the receiver replying to the transmitter with an envelope status comprising a recipient status associated with each of the at least one scheduled message recipient; the transmitter receiving the envelope status and sending the message; and the receiver receiving the message and replying with a message status, wherein transmission of at least a portion of the envelope from the transmitter to the receiver is contemporaneous with transmission of at least a portion of the envelope status from the receiver to the transmitter is not fairly taught or suggested by the prior art of record. Examiner finds particular novelty in the limitation requiring the receiver receiving the message and replying with a message status, wherein transmission of at least a portion of the envelope from the transmitter to the receiver is contemporaneous with transmission of at least a portion of the envelope status from the receiver to the transmitter. Support for this functionality can be found in

Art Unit: 2142

the specification, p. 14, line 4 through p. 15, line 7. The closest art retrieved within the search is Kronz (U.S. 6,675,196 B1). Kronz teaches transmission and reception of electronic mail with a reliable byte-stream transport (lines 38-39 of column 19); and the steps: transmitter connecting to receiver (lines 20-22 of column 19); receiver sending a greeting to the transmitter (lines 32-36 of column 14 and lines 30-34 of column 19); transmitter replying the receiver with a greeting (lines 23-39 of column 19); receiver replying the transmitter with status (lines 35-38 of column 19); transmitter receiving envelope status and sending message (lines 32-34 of column 19); and the receiver receiving message and replying the message status (lines 36-38 of column 19). Kronz does not explicitly disclose the step of the transmitter replying the receiver with an envelope; or the receiver receiving the message and replying with a message status wherein transmission of at least a portion of the envelope from the transmitter to the receiver is contemporaneous with transmission of at least a portion of the envelope status from the receiver to the transmitter.

3. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Lytle et al. (U.S. 6,993,563 B2) discloses electronic mail messaging system and envelopes for transmission.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Meucci at (571) 272-3892. The examiner can normally be reached on Monday-Friday from 9:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell, can be reached at (571) 272-3868. The fax phone number for this Group is 571-273-8300.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [michael.meucci@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


BEATRIZ PRIETO
PRIMARY EXAMINER